

13-1



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 12, 2005		CONTACT/PHONE Mike Wulkan, project manager 805-781-5608		APPLICANT Gary Karner		FILE NO. SUB 2004-00371 COAL 05-0180					
SUBJECT Request by Gary Karner for a Lot Line Adjustment/Coastal Development Permit to adjust the lot lines between three existing parcels of 2,272, 2,757 and 18,612 square feet each. The adjustment will result in two new parcels of 9,180 and 14,461 square feet each. The project will result in the reduction of three to two parcels (i.e., a net loss of one parcel). The proposed project is within the Residential Single Family land use category and is located at 354 Mitchell Drive in the community of Los Osos. The site is in the Estero Planning Area.											
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 05-0180 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.											
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption (pursuant to CEQA Guidelines Section 15305) was issued on August 4, 2005 (E.D.#05-056).											
LAND USE CATEGORY Residential Single Family, Recreation		COMBINING DESIGNATION Local Coastal Program, Archaeologically Sensitive, Sensitive Resource Area--Environmentally Sensitive Habitat--Wetland, Flood Hazard		ASSESSOR PARCEL NUMBER 074,081,034		SUPERVISOR DISTRICT(S) 2					
PLANNING AREA STANDARDS: Los Osos Combining Designation #5: Wetland Setbacks											
LAND USE ORDINANCE STANDARDS: Section 23.04.420: Coastal Access Required Section 23.07.104: Archaeologically Sensitive Areas Section 23.07.172: Wetlands											
EXISTING USES: Two single-family dwellings											
SURROUNDING LAND USE CATEGORIES AND USES: <table border="0" style="width:100%"> <tr> <td style="width:50%"><i>North:</i> Open Space/estuary</td> <td style="width:50%"><i>East:</i> Residential Single Family, Recreation/residence</td> </tr> <tr> <td><i>South:</i> Residential Single Family/residence</td> <td><i>West:</i> Residential Single Family/residences</td> </tr> </table>								<i>North:</i> Open Space/estuary	<i>East:</i> Residential Single Family, Recreation/residence	<i>South:</i> Residential Single Family/residence	<i>West:</i> Residential Single Family/residences
<i>North:</i> Open Space/estuary	<i>East:</i> Residential Single Family, Recreation/residence										
<i>South:</i> Residential Single Family/residence	<i>West:</i> Residential Single Family/residences										
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242											

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Los Osos Community Advisory Council, Public Works, Environmental Health, Los Osos Community Services District, Regional Water Quality Control Board, and the California Coastal Commission.

TOPOGRAPHY:

Relatively level, and gently sloping towards the bay

VEGETATION:

Ornamental landscaping and trees, Monterey cypress trees, wetland vegetation

PROPOSED SERVICES:

Water supply: Community system
Sewage Disposal: One existing septic system; proposed connection to Los Osos wastewater project
Fire Protection: CDF/County Fire

ACCEPTANCE DATE:

August 4, 2005

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between three legal parcels as follows:

EXISTING LOT NOS.	EXISTING LOT SIZES (SQ. FT.)	ADJUSTED PARCEL NOS.	ADJUSTED PARCEL SIZES (SQ. FT.)
24+strip ¹	2,757	1	
23+strip ²	18,612	1	14,461
22	2,272	2	9,180

1 adjacent strip of land between Lot 24 and the bay

2 adjacent strip of land between Lots 20-22 and the bay

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment reconfigures three existing parcels into two parcels, combining existing Lots 24 and 23 into proposed Parcel 1, and combining existing Lot 22 with the strip of land adjacent to existing Lot 23 to form proposed Parcel 2. The result is that Lot 22 will be increased in size to meet the minimum parcel size of 6,000 square feet for new parcels in the Residential Single Family category, and the sizes of the proposed parcels will be more equal in size than the existing lots. In addition, the adjustment will eliminate existing encroachments, as the lot lines will be reconfigured so that the larger house on Lot 23 will not encroach onto Lot 24 or Lot 22, and the smaller house will not encroach onto Lot 23. As a result, the proposed adjustment betters or equals the existing situation with respect to the Coastal Zone Land Use Ordinance and the Building and Construction Ordinance.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable local coastal plan. The County's local ordinance

allows a determination to be made that the proposed situation is equal to or better than the existing situation. The parcel sizes of two of the existing parcels are below the minimum parcel size for creating new parcels as set through the General Plan and Coastal Zone Land Use Ordinance, and the resulting parcels will exceed that minimum parcel size after the adjustment. Therefore, the adjustment is consistent with both state and local law.

COASTAL PLAN POLICIES: The most relevant policies are discussed below.

Shoreline Access: ☒ Policy No. 1: Protection of Existing Access, Policy 2: New Development

Recreation and Visitor Serving: ☒ N/A

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: ☒ Policy No. 7, Protection of Environmentally Sensitive Habitats, Policy No. 8: Principally Permitted Use, Policy No. 17: Wetland Buffer

Agriculture: ☒ N/A

Public Works: ☒ N/A

Coastal Watersheds: ☒ N/A

Visual and Scenic Resources: ☒ N/A

Hazards: ☒ N/A

Archaeology: ☒ Policy No. 1: Protection of Archaeological Resources, Policy No. 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas

Air Quality: ☒ N/A

COASTAL PLAN POLICY DISCUSSION:

Policy Nos. 7, 8 and 17 for Environmentally Sensitive Habitats (implemented by Coastal Zone Land Use Ordinance Sections 23.07.170-172): The site is within an Environmentally Sensitive Habitat--Wetland combining designation due to its proximity to the Morro Bay estuary. Policies 7, 8 and 17 are intended to protect, preserve, and where feasible, restore coastal wetlands and estuaries by limiting principally permitted uses in wetlands to non-structural uses and establishing a buffer between new development and the upland extent of wetland vegetation. In this case, the Estero Area Plan establishes a wetland setback of 50 feet adjacent to this site through a planning area standard. This lot line adjustment will add land area to existing Lot 22 (proposed Parcel 2) that is developed with the smaller house. Because all of this land area appears to be within the 50-foot wetland setback, the adjustment will not enable additional development on the parcel, compared to the existing situation, and is therefore consistent with the preceding wetland policies.

Policy Nos. 1 and 4 for Archaeology (Policy 4 is implemented by Coastal Zone Land Use Ordinance Section 23.07.104): The site is within the Archaeologically Sensitive Area combining designation. These policies are intended to avoid, and if not feasible, to provide mitigation for development on important archaeological sites, and for a preliminary site survey to be conducted for development. This lot line adjustment is consistent with those policies, because the area to be added to existing Lot 22 (proposed parcel 2) does not have additional development potential due to the required wetland setback, and therefore, the adjustment will not increase the likelihood of more intensive development in the adjusted areas, compared to the existing situation.

Policy Nos. 1 and 2 for Shoreline Access: Policies 1 and 2 state that development shall not interfere with the public's right of access to the sea, and that maximum public access to and along the coast shall be provided with new development, with certain exceptions. Both policies are implemented through Section 23.04.420 of the Coastal Zone Land Use Ordinance, and Policy 1 is also implemented as a standard. In addition to these policies, the Circulation chapter

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of the Estero Area Plan shows proposed vertical accessways on or in close proximity to this site, for planning purposes only. This adjustment is consistent with the preceding policies and with the Estero Area Plan Circulation chapter for the following reasons: 1) as discussed under the preceding coastal plan policies, the adjustment would not enable development of new dwellings and would not increase the likelihood of new development in the adjusted areas, and therefore would not interfere with any existing or future coastal accessways, and 2) vertical access already exists within ¼-mile of the site, consistent with Coastal Zone Land Use Ordinance Section 23.04.420.

LEGAL LOT STATUS:

The three existing lots were legally created by a recorded map at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

Lot Line Adjustment

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because: 1) the adjustment will combine three existing lots into two new lots, increase the size of existing Lot 22 so that it meets the 6,000 square-foot minimum parcel size for creating new parcels as set through the General Plan and Coastal Zone Land Use Ordinance, more nearly equalize the parcel sizes, and eliminate existing encroachments of the two residences onto adjacent lots, thereby bettering or equaling the existing situation with respect to the Coastal Zone Land Use Ordinance and Building and Construction Ordinance; 2) the adjustment is consistent with all applicable policies and standards of the Local Coastal Program, including the Coastal Plan policies for environmentally sensitive habitats, archaeology and shoreline access.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

Coastal Access

- D. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project does not increase the likelihood of new development adjacent to the coast, and will not inhibit access to the coastal waters and recreation areas, which access is in any case available within one-quarter mile of the site.

CEQA Exemption

- E. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15303 because the project is a minor lot line adjustment on slopes of less than 20 percent, and it does not result in changes in land use or density, and does not result in the creation of any new parcels.

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CONDITIONS - EXHIBIT B

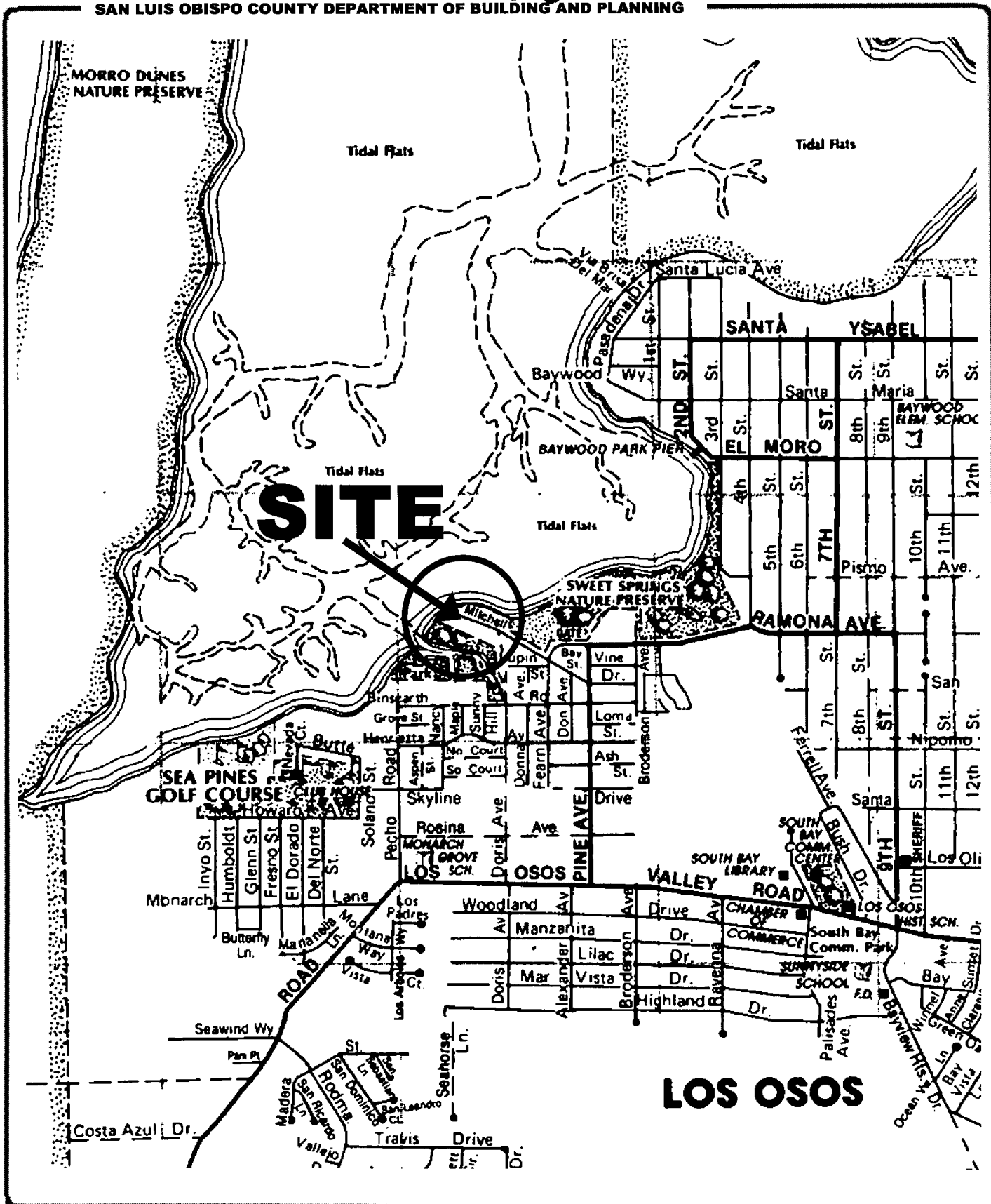
1. Prior to finalizing this adjustment, the applicant shall submit to the Department of Planning and Building evidence that the Coastal Commission has issued a Coastal Development Permit for or otherwise approved this Lot Line Adjustment, because pursuant to Coastal Zone Land Use Ordinance Section 23.03.040b, Coastal Commission approval is required for areas such as this that are within "coastal original jurisdiction."
2. Prior to finalizing this adjustment, the two existing dwellings shall be connected to the planned community wastewater project.
3. Prior to finalizing this adjustment, the encroachment of the existing walkway that is on both proposed Parcel 2 and adjacent Lot 21 shall be corrected.
4. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
 - c. On an additional map sheet, areas subject to inundation by the 100-year frequency flood or within the coastal high hazard area.
5. Any private easements described in the title report must be shown on the map, with recording data.
6. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
7. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
8. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
9. In order to consummate the adjustment of the lot lines to the new configuration when there are multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
10. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
11. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one-year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.

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12. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action

Staff report prepared by Mike Wulkan and reviewed by Matt Janssen

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Lot Line Adjustment
Karner SUB2004-00371



EXHIBIT

Vicinity Map



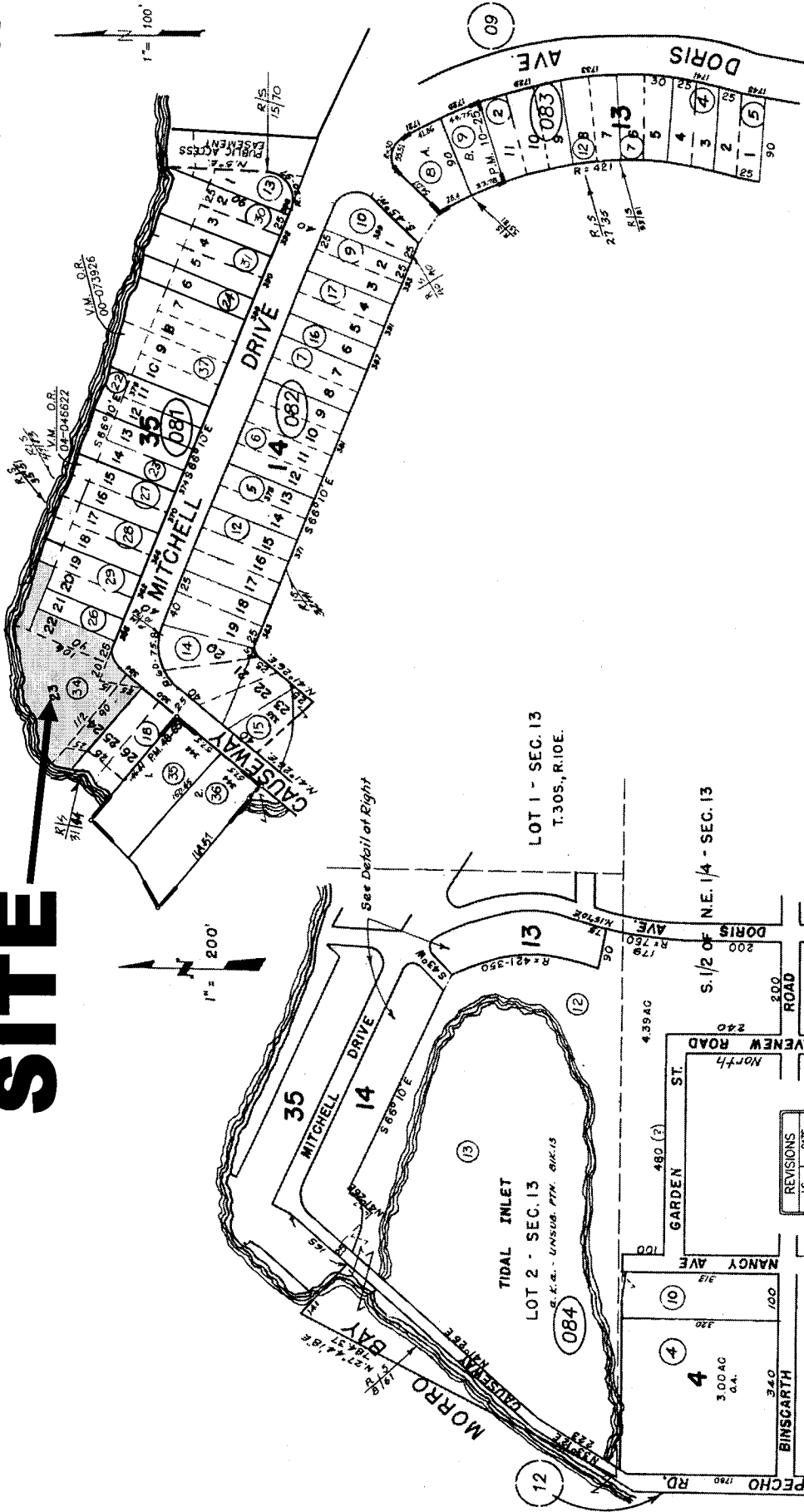
Lot Line Adjustment
Karner SUB2004-00371



Land Use Category

074-08

SITE



50 0 100 200
 THIS MAP IS PREPARED FOR
 07-13-01 ASSESSMENT PURPOSES ONLY.

REVISIONS	DATE
LS	05-04
DA	10-05-04

LOS OSOS
 ASSESSOR'S MAP COUNTY OF
 SAN LUIS OBISPO
 BOOK 074 PAGE 08

CUESTA BY THE SEA, R.M. Bk. 3, Pg. 48

PROJECT

Lot Line Adjustment
 Karner SUB2004-00371

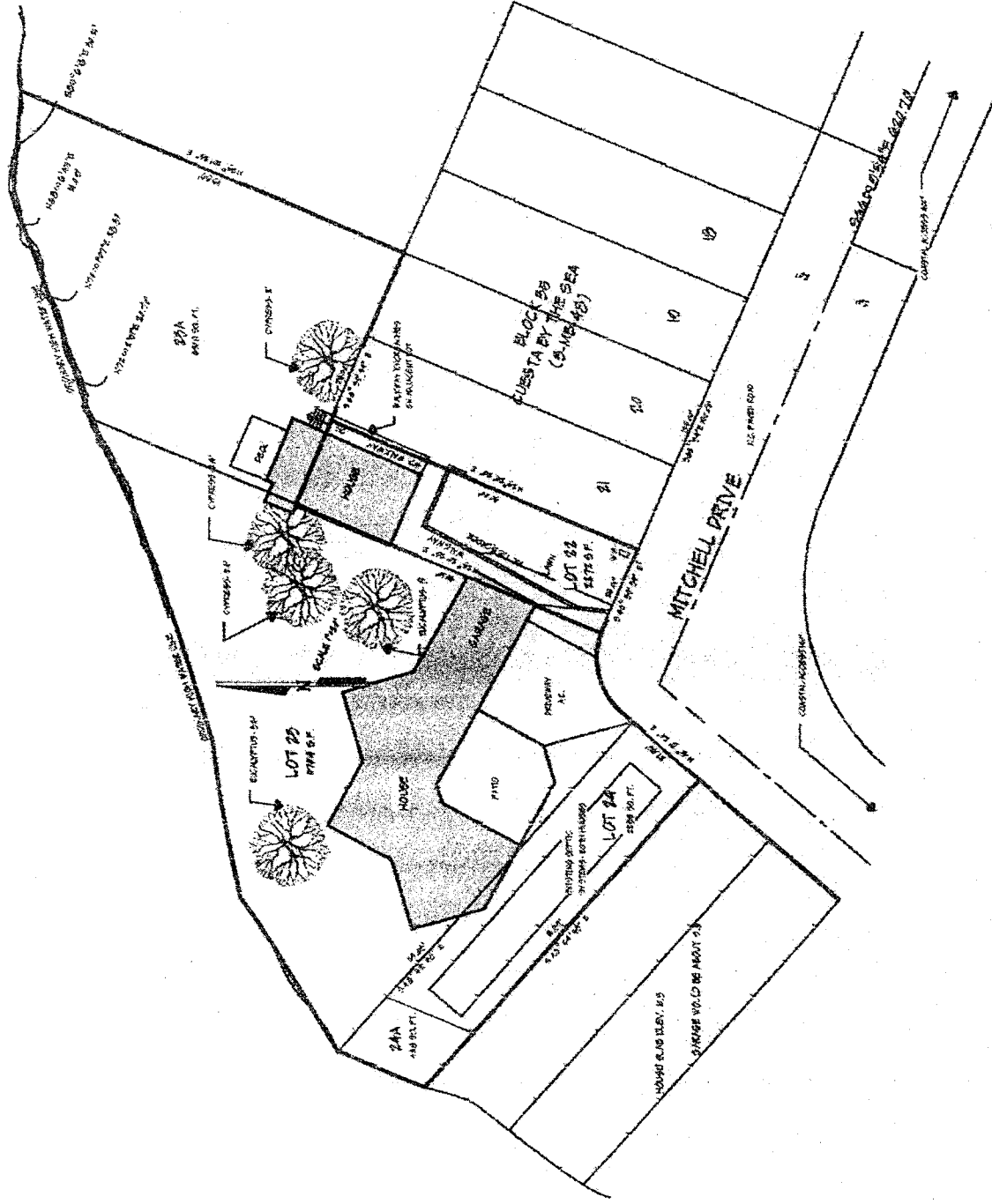
EXHIBIT

Assessor Map



13-10

13-11



PROJECT

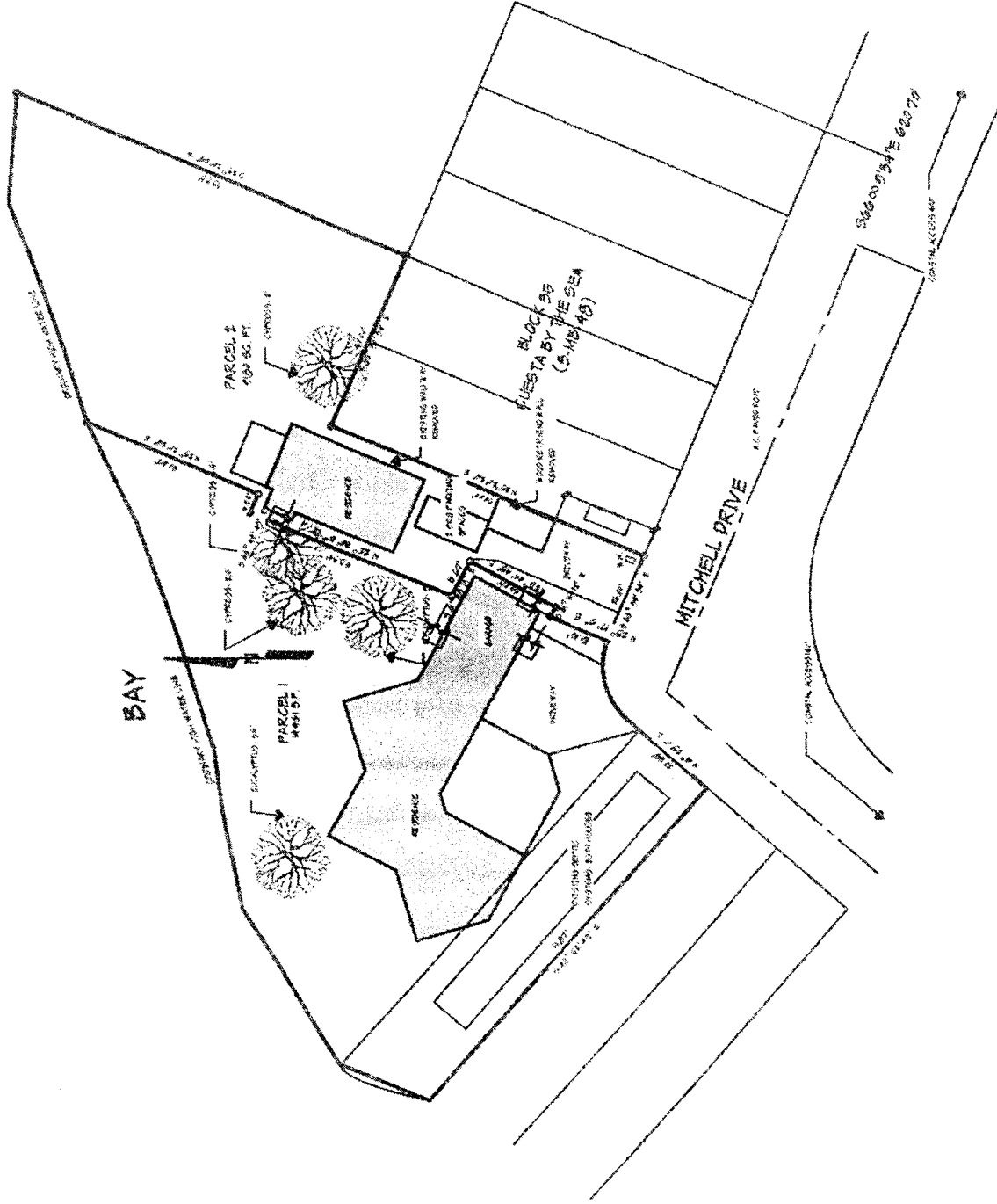
Lot Line Adjustment
Karnar SUB2004-00371

EXHIBIT

Existing Lot Lines



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PROJECT

Lot Line Adjustment
Karnar SUB2004-00371

EXHIBIT

Proposed Lot Lines





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SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

MTW

JUN - 9, 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

6/7/05

FROM

PW

FROM
LO

Coastal Team

(Please direct response to the above)

Karner/COAL 05-0180

SUB 2004-00371

Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
BOARD FOR THE PLANNER

PROJECT DESCRIPTION:

LLA → COAL 05-0180. To adjust lot lines in order to add square footage to Lot 22 to meet minimum parcel size requirements. Lot size → 23,480 sf. APN-074-081-034. Located off Mitchell Dr., in Los Osos.

Return this letter with your comments attached no later than:

6/22/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

_____YES
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No TITLE REPORT - WHAT IS STATUS of LAND north of lots 20, 21 & 22?
Co Ord requires sewage disposal to be on lot if serves so unless they install a new tank & leach field we would recommend DENIAL. IF approved and if a map is used to Final LLA - An additional info page is needed showing FH AREA.
No other concerns.

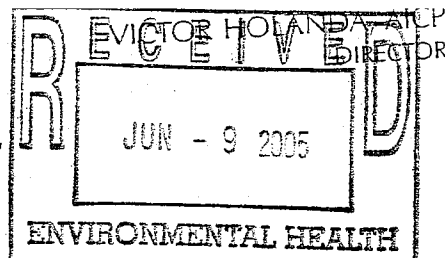
07 July 2005
DateGoodwin
Name5252
Phone



MTW

13-14

THIS IS A NEW PROJECT REFERRAL



DATE:

6/7/05

TO:

Env. Health

FROM:

Coastal Team

(Please direct response to the above)

Karner/COAL 05-0180

SUB 2004-00371

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-BOARD FOR THE PLANNING

PROJECT DESCRIPTION:

LLA → COAL 05-0180. To adjust lot lines in order to add square footage to Lot 22 to meet minimum parcel size requirements. Lot size → 23,480 sf. APN-074-081-034. Located off Mitchell Dr., in Los Osos.

Return this letter with your comments attached no later than:

6/22/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

It appears that the adjustment is approvable. The maps were difficult to determine new property lines versus old property lines. As long as the existing septic systems will remain on the parcel they serve, Environmental Health has no concern at this time.

Date

6/21/05

Name

X. Sal

Phone

781-5551



13-15
 Mike W
 SAN LUIS OBISPO COUNTY
 DEPARTMENT OF PLANNING AND BUILDING

RECEIVED
 JUN 18 2005

THIS IS A NEW PROJECT REFERRAL

DATE:

6/7/05

TO:

CCC

FROM:

Coastal Team

(Please direct response to the above)

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Karner/COAL 05-0180

SUB 2004-00371

Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
 BOARD FOR THE PLANNING

PROJECT DESCRIPTION: LLA → COAL 05-0180. To adjust lot lines in order to add square footage to Lot 22 to meet minimum parcel size requirements. Lot size → 23,480 sf. APN-074-081-034. Located off Mitchell Dr., in Los Osos.

Return this letter with your comments attached no later than:

6/22/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ YES
☐ NO

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Based on Post-Cert Map #104, it appears this property may be w/in CTC original jurisdiction. Pls. evaluate. If so, app. must apply for CDP to the CTC.

Date 6/14/05

Name Art B.

Phone (831) 427-4863

13-16

**LOS OSOS COMMUNITY ADVISORY COUNSEL
PROJECT REFERRAL RESPONSE**

File Number: SUB2004-00371

Date: 8/25/2005

Planner: Mike Wulkan

Applicant: Gary Karner

Address: 350 Mitchell Dr

Project:

Adjust lot lines in order to add square footage to Lot 22 to meet minimum parcel size requirements. Existing parcel sizes are:

2,272 sq. ft. going to 9,140 sq. ft.

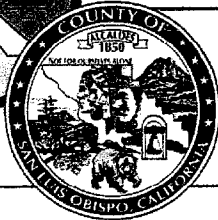
21,446 sq. ft. going to 14,340 sq. ft.

Los Osos Community Advisory Council Recommendation:

Since both lots currently have houses on them and this lot line adjustment only affects the two adjacent properties and has no other impact on the community LOCAC feels that there is no reason to oppose the project.

Send notice of public hearing for the project: Yes

Send notice of the final action for the project: Yes



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

July 11, 2005

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Lot Line Adjustment Project # SUB2004-00371/Karner

Dear Coastal Team,

I have reviewed the referral for the lot line adjustment plans for the proposed two parcel adjustment project located at 354 & 356 Mitchell Dr., Los Osos. This project is located approximately 5 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a moderate fire severity zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:

13-18

- 0-49 feet, 10 feet is required
- 50-199 feet, 12 feet is required
- Greater than 200 feet, 16 feet is required

Water Supply

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,



Gilbert R. Portillo

Fire Inspector

cc: